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H.69

Introduced by Representative Harrison of Chittenden

Referred to Committee on

Date:

Subject: Municipal government; conservation and development; solid waste;
plastic; balloons

Statement of purpose of bill as introduced: This bill proposes to prohibit the intentional release within a 24-hour period of five or more balloons inflated with gas that is lighter than air.

An act relating to the intentional release of balloons

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 24 V.S.A. § 2202 is added to read:

§ 2202. RELEASE OF BALLOONS; PENALTY

(a) As used in this section, “balloon” means a flexible, nonporous bag made from materials such as rubber, latex, polyethylene terephthalate, polychloropene, or nylon fibers that can be inflated with gas and then sealed at the neck.

(b)(1) A person shall not intentionally release, organize the release of, or cause to be released into the atmosphere within a 24-hour period five or more balloons inflated with a gas that is lighter than air.

1 (2) Subdivision (1) of this subsection shall not apply to:

2 (A) balloons released indoors; or

3 (B) balloons released for scientific or meteorological purposes.

4 (c) A person who violates a provision of this section is subject to a civil
5 penalty of up to \$250.00. A violation of this section shall be enforceable in the
6 Judicial Bureau pursuant to the provisions of 4 V.S.A. chapter 29 in an action
7 that may be brought by a municipal attorney, a solid waste management district
8 attorney, an environmental enforcement officer employed by the Agency of
9 Natural Resources, or any duly authorized law enforcement officer.

10 (d) A person authorized to enforce this section may amend or dismiss a
11 complaint issued by that person by marking the complaint and returning it to
12 the Judicial Bureau. At the hearing, a person authorized to enforce this section
13 may amend or dismiss a complaint issued by that person, subject to the
14 approval of the hearing judge.

15 (e) Enforcement actions taken under this section shall in no way preclude
16 the Agency of Natural Resources, the Attorney General, or an appropriate State
17 prosecutor from initiating other or further enforcement actions under the civil,
18 administrative, or criminal enforcement provisions of 10 V.S.A. chapter 23,
19 47, 109, 159, 201, or 211. To the extent that enforcement under this section is
20 by an environmental enforcement officer employed by the Agency of Natural

1 Resources, enforcement under this section shall preclude other enforcement by
2 the Agency for the same offense.

3 Sec. 2. 4 V.S.A. § 1102 is amended to read:

4 § 1102. JUDICIAL BUREAU; JURISDICTION

5 (a) The Judicial Bureau is created within the Judicial Branch under the
6 supervision of the Supreme Court.

7 (b) The Judicial Bureau shall have jurisdiction of the following matters:

8 (1) Traffic violations alleged to have been committed on or after July 1,
9 1990.

10 * * *

11 (6) Violations of 24 V.S.A. § 2201, relating to littering, burning of solid
12 waste, and illegal dumping.

13 * * *

14 (29) Violations of 10 V.S.A. chapter 21, relating to the prohibition of
15 outdoor advertising.

16 (30) Violations of 24 V.S.A. § 2202, relating to the release of balloons.

17 (c) The Judicial Bureau shall not have jurisdiction over municipal parking
18 violations.

19 (d) Three hearing officers appointed by the Court Administrator shall
20 determine waiver penalties to be imposed for violations within the Judicial
21 Bureau's jurisdiction, except municipalities shall adopt full and waiver

1 penalties for civil ordinance violations pursuant to 24 V.S.A. § 1979. For
2 purposes of municipal violations, the issuing law enforcement officer shall
3 indicate the appropriate full and waiver penalty on the complaint.

4 Sec. 3. EFFECTIVE DATE

5 This act shall take effect on July 1, 2021.